



City of Tigard

Tigard City Council Meeting Minutes December 10, 2013

- STUDY SESSION

Mayor Cook called the meeting to order at 6:31 p.m.

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Cook	✓	
Council President Henderson	✓	
Councilor Buehner	✓	
Councilor Snider	✓	
Councilor Woodard	✓	

Staff present: City Manager Wine, Assistant City Manager Newton, Interim Public Works Director Rager, Public Works Office Manager Gaston, Parks Manager Martin, City Attorney Ramis, City Recorder Wheatley

A. Discuss Two Non-City-Initiated Requests to Name Parks

Parks Manager Martin presented the staff report regarding requests to name parks under the guidelines of the “City of Tigard Naming and Recognition Policy” adopted in September 2013. The details of the request for park names and the associated park properties are contained in the staff report and attachments on file with the meeting packet materials.

After discussion, council consensus was for staff to return at a later date for council consideration to name the following parks:

- Bagan Park
- Bull Mountain Park
- Sunrise Park
- Cach Park

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B. Administrative Items

- Council received a copy of an attachment to Consent Agenda Item 3C – Cost Sharing Formula Exhibit A to IGA
- Council discussed the possibility of changing the City Center Development Agency meeting from the first Tuesday of each month to the third Wednesday. After discussion, the majority of the council members agreed to keep the CCDA meeting on the first Tuesday.

- Council reviewed the upcoming Council Calendar:

December

17	Tuesday	Workshop Meeting, 6:30 p.m., Town Hall
24	Tuesday	Council Business Meeting – Cancelled
25	Wednesday	Christmas Holiday – City Hall Offices Closed

January

1	Wednesday	New Year's Day Holiday – City Hall Offices Closed
7	Monday	City Center Development Agency Meeting 6:30 p.m., Town Hall/RRCCR
14	Tuesday	Reception and Mayor Cook's State of the City 4:30-6:15 p.m. Council Business Meeting, 6:30 p.m., Town Hall/RRCCR
20	Monday	Martin Luther King, Jr. Holiday – City Hall Offices Closed
21	Tuesday	Council Workshop Meeting, 6:30 p.m., Town Hall
28	Tuesday	Council Business Meeting, 6:30 p.m., Town Hall/RRCCR

- EXECUTIVE SESSION: Not held.

1. BUSINESS MEETING – December 10, 2013

A. Call to Order – Mayor Cook called the meeting to order at 7:32 p.m.

B. Roll Call:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Cook	✓	
Council President Henderson	✓	
Councilor Buehner	✓	
Councilor Snider	✓	
Councilor Woodard	✓	

C. Pledge of Allegiance – Mayor Cook led the Pledge of Allegiance.

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- D. Mayor Cook called for Council Communications & Liaison Reports.

Councilor Buehner advised she had a report to give later in the meeting about a seminar she attended in Seattle.

- E. Mayor Cook called for Council and Staff for Non-Agenda Items: None

2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)

- A. Follow-up to Previous Citizen Communication– None.
- B. Tigard High School Student Envoy – Associated Student Body President EJ Albaugh updated the City Council on recent activities at Tigard High School. A copy of his written report is on file with the record copy of the council meeting packet.
- C. Tigard Area Chamber of Commerce – No report.
- D. Citizen Communication

Mr. Wayne Waldron, 13495 SW 74th Avenue, Tigard 97223 spoke to the council about ongoing parking issues in his neighborhood. He acknowledged efforts made so far, but commented on the illegal parking (in front of fire hydrants) and impacts to the neighborhood with employees and patrons parking on-street instead of in the businesses' parking lots. He mentioned the efforts of Sgt. Fox and noted appreciation. During discussion, other tools for addressing Mr. Waldron's concerns were mentioned such as signage or availing the neighbors and businesses of mediation services to explore solutions.

Mayor Cook and Councilor Woodard commented that similar situations are likely to occur in the future and requested time be set aside at a future council meeting time to discuss how to address impacts of commercial development on adjoining neighborhoods.

Steve Bintliff, 13520 SW 122nd Avenue, Tigard 97223; addressed the council about an agenda item following later in the agenda. He referred to the "Big Box" code options discussion. Mr. Bintliff urged and supported: 1) the proposal to require the identification of the applicant when a development is proposed. 2) take into account the full impact a big box store would have on the community.

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3. CONSENT AGENDA: (Tigard City Council)

- A. Approve City Council Minutes for:
 - October 15, 2013
- B. Receive and File
 - 1. Official November 5, 2013, Special Election Results for Ballot Measure 34-207 approving a "Charter Amendment to clarify urban renewal provisions."
 - 2. Council Calendar
 - 3. Council Tentative Agenda for Future Meeting Topics
- C. Approve and Authorize City Manager to Sign Regional Justice Information Network (RegJIN) Intergovernmental Agreements

Motion by Councilor Buchner, seconded by Councilor Snider, to approve the Consent Agenda.

The motion passed by a unanimous vote of City Council present:

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buchner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

4. PROCLAIM DECEMBER 10, 2013, AS HUMAN RIGHTS DAY

Mayor Cook read the proclamation declaring December 10, 2013, as Human Rights Day.

5. APPOINT BUDGET COMMITTEE MEMBERS JULIE PLOTZ AND BILL BIGCRAFT AND BUDGET COMMITTEE ALTERNATE MEMBER TIMOTHY ESAU - RESOLUTION

- Financial and Information Technology Director LaFrance presented the staff report reviewing the recommended appointments to the Budget Committee.
- Motion by Councilor Snider, seconded by Councilor Woodard, to adopt Resolution No.13-49.

RESOLUTION NO. 13-49 – A RESOLUTION APPOINTING BILL BIGCRAFT AND JULIE PLOTZ TO THE BUDGET COMMITTEE AND APPOINTING TIMOTHY ESAU AS AN ALTERNATE MEMBER

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The motion passed by a unanimous vote of City Council present:

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

6. APPOINT PLANNING COMMISSION MEMBERS MICHAEL ENLOE AND CHRISTOPHER OUELLETTE AND PLANNING COMMISSIONER ALTERNATE MEMBERS JOHN GOODHOUSE AND TOM MOONEY

- Assistant Community Development Director McGuire presented the staff report reviewing the recommended appointments to the Planning Commission.
- Motion by Councilor Woodard, seconded by Councilor Buehner to approve Resolution No. 13-50.

RESOLUTION NO. 13-50 – A RESOLUTION APPOINTING CHRISTOPHER OUELLETTE AND MICHAEL ENLOE AS VOTING MEMBERS OF THE TIGARD PLANNING COMMISSION, AND JOHN GOODHOUSE AND TOM MOONEY AS ALTERNATE, NON-VOTING MEMBERS

The motion passed by a unanimous vote of City Council present:

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

7. REQUEST FOR PUBLIC INPUT ON THE CITY MANAGER PERFORMANCE REVIEW CRITERIA

- Assistant City Manager Newton presented the staff report. The criteria and process set by the City Council on November 26 was outlined and contained in the written staff report. The purpose for this agenda item is to give the public an opportunity to provide input on the review criteria.
- A sign-up sheet was provided for the public to sign in should anyone choose to give input; no one signed in to speak.

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- The city manager's review is scheduled to take place during an executive session on December 17, 2013.

8. AUTHORIZE THE CITY MANAGER TO EXECUTE AN EASEMENT RELATED TO THE POTSO DOG PARK PARKING LOT PROJECT

8:20 p.m. - estimated time

- Public Works Office Manager Gaston presented the staff report. Staff requests the council authorize the city manager to execute an electrical line easement related to the Potso Dog Park parking lot project.
- Motion by Councilor Buehner, seconded by Councilor Woodard, to authorize the city manager to execute an electrical line easement related to the Potso Dog Park parking lot. Project.

The motion passed by a unanimous vote of City Council present:

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

9. VIEW A PROMOTIONAL WATER VIDEO PREPARED BY THE LAKE OSWEGO/TIGARD WATER PARTNERSHIP

- Lake Oswego-Tigard Water Partnership Project Director Koellermeier presented the staff report and presented a promotional water video prepared by the Lake Oswego Tigard Water Partnership.

The video was created to promote the importance of water and will be aired on a number of different sites, which were listed in the written staff report.

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10. REVIEW AND DISCUSS REPORT ON OPTIONS FOR BIG BOX TIGARD MUNICIPAL CODE RELATED AMENDMENTS

- City Attorney Ramis presented the staff report. He referred to an October 14, 2013 memorandum prepared by his office, which was distributed to the council along with the written staff report. The memo addressed two questions that the council raised:
 1. What is the status of regulations for overnight parking; specifically, the use of RVs in big box parking lots. And, is there an opportunity for further legislative action by the City Council.

Three ways to approach this were identified and could be implemented depending on the policy objective of the City Council:

- a. There is current language in the code that prohibits overnight camping in public places. The code could be interpreted to apply to the use of RVs parked overnight in big box parking lots because those lots are available to the public.
 - b. Specifically articulate that in the code “we mean overnight parking and RVs in big box projects” with regard to disallowing such parking.
 - c. Leave the status quo in place and not enforce.
2. Whether it would be possible to disclose the identity of a tenant for a big box project during the land use process.

There is no difficulty in requiring that the tenant’s identity be disclosed; however, City Attorney Ramis said the problem arises when trying to distinguish between tenants to approve or disapprove a land use application based upon who the tenant is. This is legally difficult to accomplish. Land use regulations cannot be applied arbitrarily allowing regulators to say one company is acceptable and another is not. Criteria would have to be developed that would somehow distinguish one type of user from another; i.e., based upon impact. Developing such criteria would be difficult.

- Councilor Buehner reviewed her experience with regard to citizen concerns about aspects of the process; i.e., notification of the application. When this initial request went to the Planning Commission, Target was named as the tenant for this site. The code does not require disclosure of the tenant or letting the city know when a change of primary tenant occurs. Citizens would like to have an opportunity to comment when a primary tenant is named. She indicated there should be no problem in providing citizens another opportunity to give this input.

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City Attorney Ramis outlined how he thinks the procedure outlined by Councilor Buehner above would work. The land use would be good for only one tenant so if there is a change in tenant there would be another hearing. The question to answer would be to define the criteria – what would be different from the first hearing. Councilor Buehner said the primary concern is allowing the public to have an opportunity to voice concerns regardless of whether or not the decision is changed. Councilor Snider observed that it appears the point by Mr. Ramis is that if a new hearing is required, it is presumably because you could make a factually different decision. If the content of the application and the applicable review criteria is unchanged, then he offered it would be unsupportable to change the decision. While he has voiced his desire to determine if there are options available to address concerns, in the context of land use, he does not see a viable land use option. He said another review process could probably be required, but he did not see how a decision could change if the content of the application and the review criteria are the same.

Councilor Buehner clarified that her objective is to address the concern she has heard from citizens for the opportunity to be heard so that an applicant can know the feelings of the community. This would also provide a venue for communication to, perhaps, create a better working relationship. Councilor Snider said he is supportive of this communication offering; however, he said he is unsure how this could be accommodated using a land use process.

City Attorney Ramis counseled that it is important for the council to identify its policy objective: Is the hearing held to present information or is it to provide a forum to make a regulatory decision. An information hearing would be easier to define and prescribe process. Another question to answer is to determine when process steps are to be followed – what triggers additional steps; i.e., a GI Joes tenant goes away to be replaced by a Sports Authority tenant – would that trigger a hearing.

In response to a question from Councilor Woodard, City Manager Wine advised the council needs to determine what end it is seeking from whatever regulatory process it wants to put into place. Staff wants to hear from council the end state it is trying to effect or mitigate. Then the criteria for regulation can be defined; i.e., square footage limitations/requirements, zoning designations for big box retail stores, etc.

Councilor Snider asked if one criterion, as an example, would be for a governing body to determine that a business would be a net positive impact to the community. City Attorney Ramis said a governing body could make every retail use over a certain size a conditional use with a hearing required with some sort of public interest criteria set. Mr. Ramis said this criterion must be definable and staff must be able to consistently, fairly apply the standard. Councilor Snider offered this is what the community members who have spoken are expressing; i.e., is there net positive benefit to the community at large. He

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acknowledged that criteria cannot be set aimed at a specific business; however, if every big box development from this point forward had to meet these basic criterion this, along with what Councilor Buehner is suggesting (a more open, public input process), might address many of the concerns.

Mayor Cook asked for clarification of a legal question. He said he understands that the city cannot regulate what type of business goes in and where. Whether it is a strip club or a medical marijuana facility, the city cannot stipulate one is acceptable and another is not. The court cases he has viewed indicate that cities who attempt this type of regulation do not win this argument. Mr. Ramis agreed it would be difficult to regulate but, for example, regulations have been put into place to discourage adult businesses. Mayor Cook referred to a point made by Councilor Woodard, which would be to stipulate no big box establishments would be allowed; however, the ability to pick and choose the specific big box retailer would not be possible. City Attorney Ramis said the only way this could be done would be to set up some sort of criteria and attempt to define the dimensions of impact to determine whether various big boxes were dissimilar within those dimensions. Councilor Woodard added he was not opposed to all big boxes but suggested that zoning might be a tool because all these types of uses are located in one area. He suggested regulations aim at the scope, size and impacts to the area. City Attorney Ramis agreed that location of businesses is something that can be regulated through zoning as long as all applicants are treated the same.

In response to a question from Council President Henderson, City Attorney Ramis affirmed that size limitations can be imposed; however, once an application has been filed, the rules cannot be changed.

Councilor Buehner inquired about an existing business that wants to tear its building down and replace it with a bigger one. Any new regulations should address this type of situation. City Attorney Ramis said he understands that if this type of situation were to occur now, a site design review is required along with a public hearing process.

City Manager Wine said staff is looking to the council to give guidance about the council's overall policy objective and whether the council needs additional information from staff.

Mayor Cook advised the reality is that tenants change as a developer sets out to build commercial structures. Often a developer does not know what business will eventually occupy a structure. Councilor Buehner said most big box developments have a primary tenant with other businesses located in the locale; however, the major tenant has been named. Her focus would be on the naming of the primary tenant that has the majority of the space. Mayor Cook asked Councilor Buehner about her comment that the hearing be more of an informational session and he agreed this would be acceptable. But, he agreed with the city manager that the council should state the purpose of such a hearing. If no

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change can be made to the previous decision, then this would just be an informational hearing. Councilor Snider suggested that because of the magnitude of the impacts that these large retail businesses have to our community, he thinks the council should make the attempt to come up with an overall public interest set of criteria. He offered that such regulations should be limited to one business operation with significant square footage. A starting point would be to select a square footage limitation and going over this limit would trigger additional review criteria. He would look to staff for a recommendation as to the amount of square feet that would trigger this next level of review.

City Manager Wine said if this is the consensus of council, staff will review this and bring back information:

Developing a concept about a size threshold triggering additional criteria. Specificity could be outlined identifying a clear way to understand what is meant by community benefit or impact to the community.

Council President Henderson asked about the definition of public parking and whether private property could be regulated. City Attorney Ramis said the city currently has a prohibition on camping in public areas. The issue is what is meant by “public areas.” Mr. Ramis said one option would be to say that a public area is one that is available to the public to occupy and this would include the parking lot of a large big box store. He suggested this could be made explicit by saying so in a code amendment. Size limitations could also be specified. Councilor Snider, in response to a thread of discussion, noted there would be a difference between parking an RV in a public lot and camping. City Attorney Ramis said camping and use of a campsite is defined in the city code.

Councilor Buehner said in her recent review of the code, the word “public” appears to create the perception that this word is referring to “publicly owned property.” Councilor Snider said in the criminal code “public” refers to places open to the public; however, he agreed a specific definition in the Tigard code would provide clarity. Councilor Buehner mentioned a similar ordinance regarding RV parking is under review by the City of Sherwood.

City Manager Wine called the council’s attention to an earlier question: “What is the end state that the council is hoping to achieve and what is it about parking RVs in parking lots overnight that is either a nuisance or actionable by the city – what are you trying to resolve?” Councilor Snider said from the discussion in June, he recalled that camping in the parking lots was something the council did not want to happen because it was a nuisance. Mayor Cook said since then, the council has received written communications from people on both sides and mentioned those who are RV travelers and appreciate a safe overnight place to stay. Others feel the opposite way and do not want overnight camping in parking lots allowed. He suggested the council determine whether this is a problem now or is the

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council attempting to resolve a problem that does not exist – how do the police feel about this matter. Is there experience to be observed from other communities that allow or do not allow overnight camping? Councilor Snider said he did not think it was a law enforcement question exclusively; is there an overall, visible and non-criminal activity element (nuisance) to consider.

Councilor Buehner offered that there are RV camp areas providing places for people to camp overnight. She said feels it is inappropriate to have RVs camping overnight in public parking lots.

Mayor Cook said he did not disagree with Councilor Buehner's statement about camping in public lots; however, he called attention to the option of looking at square footage of existing big box retailers; i.e., home improvement centers. He cited the example of a late-night delivery and due to hours that can be logged driving, they can choose to stay in their cab to rest. Councilor Buehner said she did not think this was the same thing. Councilor Snider referred to the need to define the difference. Councilor Woodard added his personal support for the safety of parking in a public lot and if a nuisance issue should come up, then he pointed to the property management to enforce and mitigate problems.

Council President Henderson asked if a property owner could potentially be in a situation where it would be necessary to post against such parking. City Attorney Ramis confirmed that unauthorized parking could be legally (proper posting of signs) remedied by having the offender's vehicle towed away.

In response to a comment from Councilor Buehner about her noting that she appeared to be the only member who was reluctant to allow overnight camping, Councilor Snider said he said he would support restrictions on parking. He noted his earlier support for other potential regulations; i.e., minimum wage requirements – but recognized the lack of majority council support to pursue additional legislative options. Councilor Buehner expanded that her concerns are with an element of people who would take advantage and cause problems in the community or pose safety concerns.

Mayor Cook invited Chief Orr and Assistant Chief deSully to speak on their review of whether other areas experience problems when overnight camping is allowed. Chief Orr surveyed a number of police chiefs throughout the state where big box stores were located. These chiefs said, as far as law enforcement issues are concerned, problems in these lots where camping is allowed or not represents no difference in experience. Very little to no problems were experienced when people were allowed to park overnight. Mayor Cook noted that in the case of Walmart stores it is a store-by-store management decision whether to allow overnight parking. It is unknown whether Tigard's Walmart store will allow such parking.

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Councilor Buehner asked Chief Orr if he had any information with regard to how many of the big box stores in the community post signs advising there can be no overnight parking. Chief Orr said he has not done any locally based surveys to ascertain whether individual property owners have posted their properties prohibiting overnight parking. Councilor Buehner said her decision would be affected if most of the stores were banning overnight parking. She said residential neighbors might feel less comfortable if this were allowed.

Chief Orr noted that Walmart stores are not typically sited in residential areas and the Tigard Walmart is not in a residential area. He acknowledged Councilor Buehner's observation that residential areas are immediately adjacent to the Tigard store.

Councilor Snider made an informal motion to move forward to make the code explicit that camping is not permitted in parking lots of big box retailers. Councilor Buehner advised she would support this position. Council President Henderson said he would like staff to look into potential costs for enforcement and what would have to occur to make this happen. City Manager Wine advised staff would research the code more specifically as it relates to camping in the parking lots of big box retailers including potential implications from perspectives of community development or police enforcement. Council President Henderson suggested that the camping regulations specific to big boxes might be too limiting; e.g., overnight camping might be allowable in other types of locations such as a lumber yard or the American Legion property.

City Manager Wine ask for clarification from the council to understand the difference between the American Legion allowing an RV to park overnight and a big box retailer allowing an RV to park overnight. If the problem to be solved is that it is perceived a nuisance, then what is the difference?

Councilor Buehner noted in other jurisdictions other private clubs such as the Elks or Lions, etc., obtain a local jurisdiction permit to allow overnight camping and the campers must be members of the particular organization.

Councilor Snider said his intent throughout the conversation on this matter has been to react to concerns from a group of citizens. He has not heard concerns from other specific places. He noted he knows the police have enforced the prohibition on camping.

Chief Orr observed that a smaller store is more likely to be sited in a residential area, so if the purpose is to prohibit this, then allowing it would be counterintuitive. Secondly, he has noticed that RV overnighers who typically park in big box lots are not representative of the types of travelers documented to cause problems in a community. He suggested that

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limitations placed on big box stores would likely mean these limitations would need to be placed on everyone to avoid such uses moving to smaller stores, which would be more likely to be located in residential areas. Councilor Woodard agreed care is needed to be fair and wanted to avoid targeting a specific business. He commented that business owners have a lot of regulations imposed upon them and, in his experience, the array of regulations can be frustrating. He supported allowing businesses to have flexibility to determine their own customer service policies. Lacking evidence showing that allowing overnight camping is a nuisance, he is inclined to not want to think about this further as it seems to be focused on a singling out a specific issue that appears not to be a problem. Chief Orr said he has made an effort to determine whether allowing overnight camping has been an issue; he said he has found no evidence that it is a problem.

City Manager Wine advised staff would follow up as follows:

- The initial intent is to apply or research more specificity in the code that says that camping is not permitted in big box retailer properties. However, as the council discussed this matter, it was expressed that this should not necessarily be focused on big box retailers alone. Staff will review the scenarios as there might be practical limitations on choosing the type of business for limitations. Legal and operational implications will be reviewed and presented to the council.

Councilor Snider asked if anyone else on the council was willing to look at any further regulation of big box retailers. Councilor Buchner commented she would be willing to review other options further. A council consensus majority was not expressed to review other options.

11. DISCUSS TIGARD'S LEGISLATIVE AGENDA FOR THE 2014 OREGON LEGISLATIVE SESSION

Assistant City Manager Newton presented the staff report and reviewed policies issues for council consideration to be included in its 2014 Legislative Agenda for the short 35-day session scheduled to begin February 4, 2014. A list of the policy issues is shown in the staff report. Also included in the staff report were the League of Oregon Cities Policy Issues of Interest and the 2013 Tigard Legislative Agenda.

Ms. Newton highlighted the vertical housing program for which Tigard's economic development manager is interested in to use as a tool for downtown development. This might not be as urgent as the state is considering moving the program and this will not need to be addressed until the 2016 session.

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Discussion was held regarding the limited number of bills that will be addressed during this short session.

Council President Henderson referred to the importance of the Water Supply Development Fund Appropriation topic for the legislative agenda. There is a significant amount of water up for a one-time allocation decision and it is imperative that the City of Tigard participates when this is under consideration. Councilor Buehner suggested the city manager and mayor meet with Tigard's legislators during the short session should this become a topic that is high on the legislature's priority list.

Lake Oswego-Tigard Water Partnership Project Director Koellermeier advised the Water Supply Development Fund Appropriations deals with the re-appropriation of the federal storage rights behind the dam on the Willamette River.

In response to a question from Councilor Snider, City Manager Wine gave additional information about the medical marijuana issue. Council, through the League of Oregon Cities, has issued an opinion about the way in which cities have the authority to regulate medical marijuana dispensaries. At this time, issues concerning the conflicts between federal and state laws are under review. Much will depend on whether the legalization of marijuana moves forward to make progress in resolving the issue. Councilor Buehner added that some people are expecting a citizen-initiated measure and the legislature might come up with something that might be more palatable.

City Manager Wine said the League has contacted city officials about issues regarding Local Improvement Districts. The League might ask City of Tigard representatives to talk about our recent experience with LIDs.

Assistant City Manager Newton will submit the 2014 Tigard Legislative Priority List to the council on January 14, 2014 for formal approval.

12. APPROVE THE THIRD AMENDMENT TO THE LAKE OSWEGO/TIGARD INTERGOVERNMENTAL AGREEMENT (REGARDING WATER SUPPLY FACILITIES, DESIGN, CONSTRUCTION AND OPERATION) TO INCLUDE PURCHASE OF THE MAPLETON PROPERTIES AND SHIFTING OF 4 MILLION GALLONS PER DAY (MGD) OF CAPACITY FROM LAKE OSWEGO TO TIGARD

Assistant City Manager Newton presented the staff report. The proposed amendment will shift 4 million gallons per day (mgd) of the capacity from Lake Oswego to Tigard. The amendment also covers the purchase of the Mapleton properties. This topic has been discussed by the Tigard council in executive session and staff believes the amendment reflects the proposed contract terms. The City of Lake Oswego is scheduled to take action on this item next week.

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Councilor Buehner clarified that the initial agreement provided that Lake Oswego would have 24 mgd out of the 38 maximum; Tigard would have 14 mgd. This amendment would change the allocations to 20 and 18 respectively.

In response to a question from Council President Henderson, Lake Oswego-Tigard Water Partnership Project Director Koellermeier clarified the Mapleton properties purchase. The City of Lake Oswego acquired what has been termed the “Mapleton properties” before the partnership was formed. As the use of the property was examined along with the expansion of the treatment plant, it was questionable whether we would need to use those properties. The Mapleton properties were excluded until it could be determined whether they need to be used. Since receiving land use approvals, the properties are now being used and the agreement identified that should they be used and approved by a land use process, then that would trigger the need for Tigard to purchase its commensurate share of those properties, \$719,000.

Councilor Snider thanked staff for doing a good job of moving forward with the council’s desires related to this amendment. This will allow the City of Tigard more flexibility in the next 15-20 years or more regarding the water supply and quantity we will own. He said he intends to vote “enthusiastically yes.”

Mayor Cook agreed with Councilor Snider’s comments in that this change will give Tigard a chance to buy water for the future. This will buy the city another 5 to 10 years of water supply at today’s prices, which will represent a substantial savings in later years. He will also vote enthusiastically yes as he believes it is a “good deal for our kids and grandkids.”

Councilor Woodard advised that another nice aspect about this change is that because of the way this is folded into the costs, this will not be a “huge hit” to the ratepayers. Lake Oswego-Tigard Water Partnership Project Director Koellermeier responded to a comment from Councilor Woodard and concurred that this will be the most inexpensive water capacity addition the city will ever have the opportunity to purchase and will modestly impact the consumer at this point.

Assistant City Manager Newton pointed out the extra 4 mgd could be sold as surplus if buyers are found and the city will retain this revenue.

Councilor Buehner said she also enthusiastically supports this amendment. She commented she has worked on Tigard’s water supply issue for Tigard for 19-1/2 years. She noted that two adjacent jurisdictions are considering using Willamette River water and will probably be looking at finding some interim assistance and Tigard will now have water to give this assistance. Councilor Buehner specifically recognized Assistant City Manager Newton for her diligent efforts negotiating this. Assistant City Manager Newton acknowledged the comments from Councilor Buehner and gave credit to Lake Oswego-Tigard Water Partnership Project Director Koellermeier as integral to the negotiations to achieve acquiring the additional mgd.

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Motion by Councilor Snider, seconded by Councilor Buehner, to adopt Resolution No. 13-51.

RESOLUTION NO. 13-51 – A RESOLUTION APPROVING THE THIRD AMENDMENT TO THE WATER PARTNERSHIP INTERGOVERNMENTAL AGREEMENT, INCLUDING THE PURCHASE OF THE MAPLETON PROPERTIES, THE SHIFTING OF FOUR MILLION GALLONS A DAY OF CAPACITY TO TIGARD AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT

The motion was approved by a unanimous vote of City Council present.

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

13. NON AGENDA ITEMS – None.

14. COUNCIL LIAISON REPORTS

Councilor Buehner attended the NLC meeting in Seattle in November. She referred to information she distributed to the City Council:

- Information associated with a seminar about better ways to achieve a positive resolution when parties disagree. Looking at the end goal and taking small steps were outlined. Councilor Buehner thought this information would be useful when the council works with citizen groups and other local governments.
- Information associated with a seminar about economic development. The course did not focus on the standard economic development information, but presented an approach to look at value – evaluating the costs and benefits outside the context of a particular mechanism.
- Information associated with a seminar with the Prevention Institute (Oakland, California based), which was primarily an overview of different ways to approach issues and problem solving to come to a mutually beneficial solution.

15. EXECUTIVE SESSION: Not held.

16. ADJOURNMENT: 9:12 p.m.

TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 10, 2013

Motion by Councilor Buehner, seconded by Councilor Woodard to adjourn the meeting.

The motion was approved by a unanimous vote of City Council present.

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

/s/Catherine Wheatley

Catherine Wheatley, City Recorder

Attest:

/s/John L. Cook

Mayor, City of Tigard

Date: March 11, 2014

TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 10, 2013